

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING REDUCTIONS IN BARRIERS TO OBTAINING IDENTITY-RELATED DOCUMENTS.

Prime Sponsors: Senator Boyd
Representative Summers

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Summary of Amendments Made to the Bill After the 02/13/10 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill does not contain, nor does it require, an appropriation clause.

The Department of Revenue does not require an appropriation of \$3,923 cash funds from the Licensing Services Cash Fund as identified in the Legislative Council Staff Fiscal Note dated February 13, 2008, because the Long Bill includes an ongoing appropriation for the Department of Revenue to implement legislation that requires computer programming hours. Programming costs in the Department of Revenue to implement session legislation are shown in the 2009 Long Bill on a line item entitled "Programming Costs for 2009 Session Legislation."

Bill Sponsor Amendments

Sponsor amendment **L.008** (attached) alters the section of statute that governs the fees that local vital records offices charge when they supply copies of birth certificates and other vital records certificates to Coloradans. If this amendment is adopted, the bill still does not require an appropriation. A Legislative Council staff memo that analyzes this amendment is attached. Please see "Points to Consider" for more on this amendment and the portion of statute that it amends.

Points to Consider

Sponsor amendment L.008 amends a confusing and possibly contradictory section of statute. This bill could provide a vehicle for clarifying this portion statute.

Background information: Coloradans can obtain copies of vital records directly from the Department of Public Health and Environment (DPHE) or from a vital records office operated by a local government. Vital records fees, including the fees charged by local vital records offices, are set by the State Registrar of vital records. Statute directs the Registrar to set the fees charged by DPHE at levels that cover the appropriated direct and indirect costs of operating DPHE's vital records office and a portion of the cost of operating the Colorado Responds to Children with Special Needs Program. Statute provides little guidance concerning the level at which the Registrar should set the fees charged by local vital records offices, but the Registrar has set these fees equal to the fees that DPHE charges. Statute currently states that a local records office "shall retain all such fees" and then describes the purposes of the fees. These purposes include support for a portion of the cost of the Colorado Responds to Children with Special Needs Program -- a seeming contradiction since the Colorado Responds to Children with Special Needs Program is operated by DPHE and this would require that a portion of the fee collected by a local records office be sent to DPHE. The Registrar has implemented this portion of statute (Section 25-2-121 (2) (b) (II), C.R.S.) by directing local records offices to send \$5.75 of the \$17.75 birth certificate fee to DPHE, \$5 to cover DPHE's vital records costs and 75¢ for the Colorado Responds to Children with Special Needs Program.

Amendment L.008 would amend the purposes for which the local vital records office fee is collected by adding that the fee is for the purpose of paying the "direct and indirect costs *of the local records office and the office of the state registrar,*" which would seemingly provide more support for the current practice of sending \$5 of each certificate fee to DPHE for DPHE's administrative costs. The statement in Section 25-2-121 (2) (b) (II), C.R.S., that a local records office shall "retain all such fees" would remain in statute and this statement would continue to contradict the stated purposes for which the fees are collected. The contradiction could be eliminated by replacing "Such an office shall retain all such fees", which is found in Section 25-2-121 (2) (b) (II), C.R.S., with "Such fees shall be used for."